

SENATE BILL 2724
By McNally

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14 and Title 47, Chapter 29, relative to negotiable instruments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following as a new section:

(a) In any prosecution or action under the provisions of Section 39-14-121, a negotiable instrument for which the information required in subsections (b) and (c) of this section is available at the time of issuance shall constitute prima facie evidence of the identity of the party issuing the negotiable instrument and that such person was a party authorized to draw upon the named account.

(b) To establish this prima facie evidence, the following information regarding the identity of the party presenting the negotiable instrument shall be requested by the party receiving such instrument: the presenter's name, residence address, and home phone number. Such information may be provided by either of two methods:

(1) It may be recorded upon the negotiable instrument itself; or

(2) The number of a check-cashing identification card issued by the receiving party may be recorded on the negotiable instrument. Such check-cashing identification card shall be issued only after the information required in this subsection has been placed on file by the receiving party.

(c) In addition to the information required in subsection (b) of this section, the party receiving a negotiable instrument shall witness the signature or endorsement of the

party presenting such negotiable instrument and, as evidence of such, the receiving party shall initial the negotiable instrument.

SECTION 2. Tennessee Code Annotated, Section 47-29-102 is amended by deleting the section in its entirety and substituting instead the following:

When any check, draft, or order is not paid by the drawee because the maker or drawer did not have an account with or sufficient funds on deposit with the financial institution, or the draft, check, or order has an incorrect or insufficient signature thereon, the payee of such check, draft, or order is authorized to assess a handling charge against such maker or drawer in an amount not to exceed twenty-five dollars (\$25.00).

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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